

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 108 be amended to read as follows:

- 1 Page 1, line 11, after "due." insert "**However, the maximum**
- 2 **amount of interest that may be paid to an employee under this**
- 3 **subsection may not exceed the lesser of:**
- 4 **(1) double the amount of wages due to the employee; or**
- 5 **(2) fifty thousand dollars (\$50,000)."**
- 6 Page 1, line 15, delete "two" and insert "**one**".
- 7 Page 1, line 16, delete "(\$200)." and insert "**(\$100). Amounts may**
- 8 **be deducted under this subsection only for a purpose described in**
- 9 **IC 22-2-6-2(b)."**
- 10 Page 2, line 7, after "employee" delete "," and insert ".".
- 11 Page 2, line 10, delete "along with" and insert "**The court shall**
- 12 **award to the employee**".
- 13 Page 2, line 11, after "employee" delete "." and insert "**if the**
- 14 **employee recovers any wages in a suit under this section.**".
- 15 Page 3, line 38, delete "Payment" and insert "**Subject to subsection**
- 16 **(d) and IC 22-5-6, payment**".
- 17 Page 3, line 41, delete "Payment" and insert "**Subject to subsection**
- 18 **(d) and IC 22-5-6, payment**".
- 19 Page 4, line 6, after "employer." insert "**An employee may make a**
- 20 **wage assignment under this subdivision only if before beginning the**
- 21 **education or the training program the employee and the employer**
- 22 **execute a written instrument specifying the amount and conditions**
- 23 **of the employee's payment or repayment.**
- 24 **(c) The total amount of deductions from an employee's wages**
- 25 **under any combination of wage assignments under subsection**
- 26 **(b)(6), (b)(7), (b)(14), (b)(15), and (b)(16) for any work week may**
- 27 **not exceed the lesser of:**
- 28 **(1) twenty-five percent (25%) of the employee's disposable**
- 29 **earnings for that week; or**
- 30 **(2) the amount by which the employee's disposable earnings**
- 31 **for that week exceed thirty (30) times the federal minimum**

hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the wages are payable.

(d) An employee may make a wage assignment under subsection (b)(14) or (b)(15) only if:

(1) the employer is not otherwise prohibited by contract or by law from charging for the purchase or maintenance of the uniforms or for the purchase or rental of the tools and equipment;

(2) the employer has a schedule of charges for the purchase, maintenance, or rental that is available to all of the employer's employees;

(3) no additional charge or fee is imposed for making the wage assignment;

(4) if the wage assignment is for the purchase of uniforms, tools, or equipment:

(A) the employee makes a written request for the purchase; and

(B) the employee and the employer execute a written instrument specifying the terms and conditions of the purchase; and

(5) the wage assignment is voluntary and is made for a specific time."

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"(c) An employer must issue a replacement payroll check to an employee who, not more than fifteen (15) days after the original payroll check is issued, submits a written request for the issuance of the replacement payroll check because of the theft, destruction, or other loss of the original payroll check. The issuance of a replacement payroll check under this subsection is subject to the payment of a fee computed under subsection (b)."

(Reference is to SB 108 as printed January 27, 2006.)

Senator TALLIAN